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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/817,021	04/02/2004	Ivan Malcolm Spiers	SICLC-001C	2755

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STETINA BRUNDA GARRED & BRUCKER  
75 ENTERPRISE, SUITE 250  
ALISO VIEJO, CA 92656

EXAMINER
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SHRIVER II, JAMES A

ART UNIT	PAPER NUMBER
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3618

DATE MAILED: 11/26/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

10/817,021

**Applicant(s)**

SPIERS, IVAN MALCOLM

**Examiner**

J. Allen Shriver

**Art Unit**

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 02 April 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-3, 5, 6 and 13-25 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-3, 5, 6 and 13-16 is/are allowed.
- 6) ☒ Claim(s) 17-25 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 02 April 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>5/24/2004</u> . | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Response to Amendment*

1. Applicant's submittal of a preliminary amendment was received on April 2, 2004, wherein claim 1 and 6 were amended, claims 4 and 7-12 were cancelled and new claims 17-25 were added.

### *Claim Rejections - 35 USC § 102*

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

3. **Claims 17-19, 22-23 and 25 are rejected under 35 U.S.C. 102(e) as being anticipated by Warren (US Patent 6,474,660 B1).** Warren discloses a steerable snow scooter comprising a bi-laterally pivotable independent forward portion (See Fig. 1) for traveling over snow (See Abstract) and being configured such that a forward pitch angle of the forward portion is angularly adjustable to a chosen orientation in relation to a horizontal plane (See Fig. 7, where the forward portion can be angularly adjusted with hinged portion 36), the forward portion being further configured such that the forward pitch angle is non-movably securable following angular adjustment thereof into the chosen orientation (See Fig. 7, wherein the forward portion is secured to a specific location in the slot of the hinged portion); a hand-operable direction controller (12)

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in communication with the forward portion; and an independent rearward portion (See Fig. 1) for traveling over snow, said rearward portion in secured communication with the forward portion and a generally horizontal orientation and having a support surface (14) upon which to stand; **[claim 18]** wherein the forward portion is a first length and the rearward portion is a second length greater than the first length; **[claim 19]** further comprising a stop member (See Fig. 2) for limiting bi-lateral pivotability of the forward portion; **[claim 22]** wherein said forward portion is configured in a parabolic shape (See Fig. 7); **[claim 23]** wherein said rearward portion is configured in a parabolic shape (See Fig. 7); **[claim 25]** wherein said stem is configured to be adjustable in length (See column 2, lines 58-62).

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. **Claims 20-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over**

**Warren (US Patent 6,474,660 B1) in view of Hatano et al. (US Patent 3,870,330).** Warren

discloses a steerable snow scooter as set forth above, but does not disclose a brake member for stopping the snow scooter during travel on snow. Hatano et al. discloses a steerable snow scooter having a brake member (222,223) for stopping the snow scooter during travel on snow.

At the time of the invention, it would have been obvious to a person of ordinary skill in this art to attach a brake member on the scooter disclosed in Warren in view of the teaching of Hatano et

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al. The motivation for doing so would have been to allow the user to control the speed of the scooter.

Regarding claim 21, Hatano et al. discloses wherein the brake member is a plate extending downwardly from a bottom surface side of the rearward portion for travel within snow and stopping the snow scooter by creating resistance within the snow when downward pressure is applied on the support surface above the plate.

6. **Claim 24 is rejected under 35 U.S.C. 103(a) as being unpatentable over Warren (US Patent 6,474,660 B1) in view of Gantz (US Patent 2,950,924).** Warren discloses a steerable snow scooter as set forth above, but does not disclose wherein said rearward portion includes a grooved under-surface. Gantz discloses a steerable snow scooter wherein said rearward portion (36) includes a grooved under surface (40,41) (See Figs. 4-5). At the time of the invention, it would have been obvious to a person of ordinary skill in this art, to provide the rearward portion disclosed in Warren with a grooved under surface as taught by Gantz. The motivation for doing so would have been to minimize the possibility of lateral slippage of the vehicle during its movement (See column 3, lines 41-47).

#### ***Response to Arguments***

7. Applicant's arguments filed April 2, 2004 have been fully considered but they are not persuasive. Examiner does agree with Applicant's remarks in relation to claims 1-3, 5-6 and 13-16 that Warren fails to disclose the invention was recited in claim 1, and Examiner has indicated these claims as allowable.

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However, Examiner disagrees with Applicant's arguments that Warren ('660) fails to disclose a forward portion that is angularly adjustable and non-movably securable following angular adjustment thereof into the chosen orientation. Examiner completely disagrees with Applicant's argument because as shown in Figure 7, the forward portion can be adjusted in various locations along the hinged portion 36, and the orientation can be secured in one of the slots along the hinged portion.

***Allowable Subject Matter***

8. Claims 1-3, 5-6 and 13-16 are allowed over the prior art.
9. The following is a statement of reasons for the indication of allowable subject matter: Examiner has indicated claim 1 as being allowable because Warren fails to disclose both the forward portion being angularly movable then securable, and the rear portion having a slotted pivotal joint.

***Conclusion***

10. The prior art made of record in the accompanying PTO Form 892 and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to J. Allen Shriver whose telephone number is (703) 308-1224. The examiner can normally be reached on Mon-Thurs 7:30-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris P. Ellis can be reached on (703) 305-0168. Any inquiry of a general nature or

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relating to the status of this application should be directed to the group receptionist whose telephone number is (703) 308-1113.

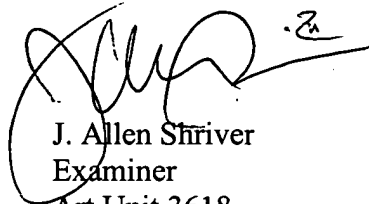
As of May 1, 2003, any response to this action should be mailed to:

Mail Stop \_\_\_\_\_  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Or faxed to: (703) 305-3597 or (703) 305-7687 (for formal communications intended for entry. (703) 746-3852 (for informal communications directly to the Examiner).

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Tuesday, November 23, 2004



J. Allen Shriver  
Examiner  
Art Unit 3618

JAS